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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,390	02/11/2002	Shirish Gadre	SONYP001/P4327	5554

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EXAMINER

DUNN, MISHAWN N

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 07/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/074,390	Applicant(s) GADRE ET AL.	
	Examiner Mishawn N. Dunn	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 and 17-28 is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-10 and 29-35 is/are rejected.
- 7) ☒ Claim(s) 4-7, 11-13, 15 and 16 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 15 and 16 are objected to because of the following informalities: Claim 15 is a duplicate of claim 3. Appropriate correction is required.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 29-35 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. A "computer program product" is merely a set of instructions capable of being executed by a computer, thus is non-statutory.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation

Art Unit: 2621

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. The examiner finds that the "audio still video" in the preamble carries no patentable weight in the claims.

5. Claims 1-3, 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maturi et al. (US Pat. No. 5,621,772) in view of Yanagihara et al. (US Pat. No. 6,233,393).

6. Consider claim 1. Maturi et al. teaches a method of dynamically allocating available buffer memory space in a buffer for a current pack in a DVD audio bitstream, comprising: updating an ASV table with a pointer corresponding to an available memory location in the ASV buffer memory space and concurrently with the updating, storing a current payload associated with the current pack to the available memory location (col. 8, lines 10-19).

Maturi et al. does not teach a method of dynamically allocating available buffer memory space in a buffer for a current pack in a DVD audio bitstream comprising determining a pack type of the current pack.

However, Yanagihara et al. discloses determining a pack type of the current pack (col. 2, lines 46-50).

Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made to use, to determine the current pack type, in order to manage the data more efficiently.

7. Consider claim 2. Maturi et al. teaches the method as recited in claim 1, further comprising: when the current pack is not a last pack in the bitstream, then repeating (a)-(c) for a next pack in the bitstream (col. 8, lines 10-19).

8. Consider claim 3. Maturi et al. teaches all the claimed limitations as stated above, except a method wherein the pack type is selected from a group comprising: a highlight pack, a subpicture pack, a video pack, and a pgm_end pack.

However, Yanagihara et al. teaches the pack type is one of: a highlight pack, a subpicture pack, a video pack, and a pgm_end pack (col. 2, lines 46-50).

9. Consider claim 9. Maturi et al. teaches all the claimed limitations as stated above, except the method wherein the buffer is included in a universal DVD-A/V player unit.

However, Yanagihara et al. discloses a universal DVD-A/V player unit (col. 1, line 27).

10. Consider claim 10. Maturi et al. teaches the method as recited in claim 9, further comprising: (v) defining an ASV frame; (x) retrieving the ASV frame; and (y) displaying the ASV frame on a display (col. 8, lines 10-19).

Art Unit: 2621

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Maturi et al. (US Pat. No. 5,621,772) in view of Yanagihara et al. (US Pat. No. 6,233,393) in further view of Gryskiewicz (US Pat. No. 6,573,946).

12. Consider claim 8. Maturi et al. and Yanagihara et al. teach all the claimed limitations as stated above, except the method wherein the memory buffer is a SDRAM memory.

However, Gryskiewicz discloses a SDRAM memory (col. 6, lines 42-46). Therefore, it would be obvious to one of ordinary skill in the art, at the time the invention was made to use, to use SDRAM memory, in order to provide greater speed and lower latency.

Allowable Subject Matter

13. Claims 4-7 and 11-13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Claims 14 and 17-28 are allowable over the prior art.

15. The following is a statement of reasons for the indication of allowable subject matter: The present invention is directed to the dynamic allocation of available audio still video buffer memory space performed on each pack in a DVD audio bitstream one pack at a time. Independent claims 14 and 23 identify the uniquely distinct features, "determining a next pack type based upon the current pack type." The closest prior art fails to anticipate or render to the above underlined limitations obvious.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

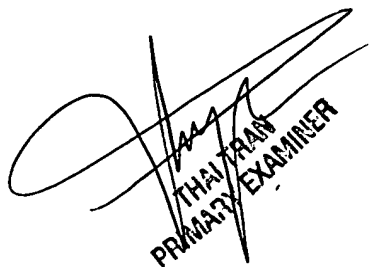
a. US Pat. No. 6,567,371

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mishawn Dunn



THAI TRAN
PRIMARY EXAMINER